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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 FRANK MILFORD PECK,

11 Petitioner,

12 vs.

13 WARDEN NEVEN, *et al.*,

14 Respondents.  
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2-05-CV-1158-RLH-PAL

**ORDER**

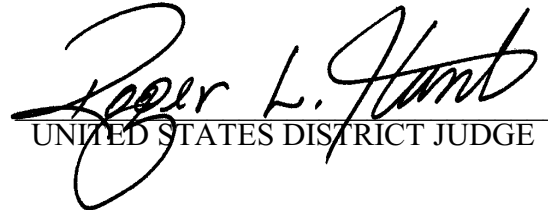
16 In this action on a petition for writ of habeas corpus, Frank Milford Peck, a prisoner at  
17 the High Desert State Prison, in Nevada, moves the court for an order directing prison officials to  
18 permit him daily law library access (docket #48), contending that the average five hours per week is  
19 inadequate. Respondents have not opposed the motion. However, petitioner has not demonstrated  
20 an extraordinary need for additional access to the law library or a denial of access to the courts  
21 because of limited law library access. *See Lewis v. Casey*, 518 U.S. 343 356-57 (1996). Moreover,  
22 the right to access the court does not include a right to discover claims or to litigate them effectively  
23 once they are filed. *Id.*, at 354-55; *Madrid v. Gomez*, 190 F.3d 990, 995 (9<sup>th</sup> Cir. 1999).

24 At this time, petitioner's action is subject to a motion to dismiss. Petitioner has filed  
25 his opposition to that motion and the court is awaiting respondent's reply. There is nothing in this  
26 action that requires petitioner's on-going legal research. The motion shall be denied.

1                   **IT IS THEREFORE ORDERED** that petitioner's Motion for Submission (docket  
2 #55) is **GRANTED**.

3                   **IT IS FURTHER ORDERED** that petitioner's Motion for Court-Ordered Law  
4 Library Access (docket #48) is **DENIED**.

5                   Dated, this   31<sup>st</sup>   day of July, 2006.

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8                   UNITED STATES DISTRICT JUDGE  
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